



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 31 2013

Mr. Fredrick Amey
Design and Construction Division, Public Buildings Service
New England Region, U.S. General Services Administration
10 Causeway Street
Boston, Massachusetts 02222

Re: Modification to PCB Decontamination and Disposal Approval under 40 CFR
§ 761.61(c) and § 761.79(h)
Internal Revenue Service Center Building
Andover, MA

Dear Mr. Amey:

This is in response to the U.S. General Services Administration (GSA) request to modify its PCB cleanup and disposal plan for the Internal Revenue Service Center building located at 310 Lowell Street in Andover, Massachusetts (the Site). The modification was submitted in accordance with Condition 21 of the *March 23, 2011 PCB Decontamination and Disposal Approval under 40 CFR § 761.61(c) and § 761.79(h)*.

GSA has requested this modification in an attempt to reduce the costs of the construction that have resulted from the discovery of PCBs in the building products at the Site. Based on further characterization sampling conducted in anticipation of phase 2 of construction, GSA has determined that physical encapsulation of the brick would not be required for all openings. GSA has proposed to remove the brick 6 inches from the joint and, following verification sampling that confirms that the PCB concentration is less than or equal to (\leq) 1 part per million (ppm), replace the brick and re-caulk the joint. In cases where the \leq 1 ppm standard cannot be met, the encapsulation method previously approved will be used.

Based on review of the submitted information, EPA has determined that the proposed brick removal would meet the requirements of § 761.61(a). Thus, EPA is approving your modification request with the following conditions:

1. Unless otherwise modified by this letter, GSA must comply with all of terms and conditions specified in its March 23, 2011 Approval.
2. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk and 6 inches of brick (i.e., *PCB bulk product waste*) shall be removed.
 - b. The decontamination standard for building *porous surfaces* (i.e., brick) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) Sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - ii) For sampling purposes, each elevation shall be treated separately. Samples shall be collected at a frequency of 1 sample every 4 caulk location type (i.e., door, window, or expansion joint) provided that a minimum of one type, if present, on each elevation is sampled. Specifically, the following locations shall be sampled:

AD 1 01	1 door sample
AD 2 00	1 window sample, 1 door sample, 1 expansion joint sample
AD 2 01	1 window sample, 1 door sample, 1 expansion joint sample
AD 2 02	2 expansion joint samples
AD 2 04	1 window sample, 1 expansion joint sample
 - c. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.

Under the March 23, 2011 Approval and this modification approval, EPA is reserving its right to require additional mitigation measures should the results of the initial or long-term sampling indicate that an unreasonable risk to building occupants and/or building users is present at the Site.

Should you have any questions regarding this matter, please contact Katherine Woodward at (617) 918-1353 or Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in cursive script, appearing to read "James T. Owens III", followed by a small flourish.

James T. Owens III, Director
Office of Site Remediation and Restoration

Attachment 1

cc: Marilyn Wade, URS
MassDEP, NERO
File



Attachment 1
FILE COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 23 2011

Mr. Surran Drew Dilks
Project Management Branch Chief
Design and Construction Division, Public Buildings Service
New England Region, U.S. General Services Administration
10 Causeway Street
Boston, Massachusetts 02222

Re: PCB Decontamination and Disposal Approval under 40 CFR § 761.61(c) and § 761.79(h)
Internal Revenue Service Center Building
Andover, MA

Dear Mr. Dilks:

This is in response to the U.S. General Services Administration (GSA) Notification¹ for approval of a proposed plan to address PCB contamination at the Internal Revenue Service Center building located at 310 Lowell Street in Andover, Massachusetts (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and in the adjacent building substrate (i.e. brick and concrete).

GSA has requested an approval under 40 CFR § 761.61(c) that includes the following activities:

- PCB-contaminated concrete foundations and precast concrete panels:
 - Remove and dispose of PCB caulk;
 - Encapsulate PCB-contaminated *porous surfaces* with two coats of epoxy coating and/or continuous metal flashing; and
 - Install new caulk.

¹ The notification was prepared by URS on behalf of the GSA to satisfy the requirements under 40 CFR § 761.61(c) and § 761.79(h). Information was submitted dated October 18, 2010 (PCB Management Plan); December 7, 2010 (Addendum to PCB Management Plan); January 18, 2011 (Response to Questions); February 10, 2011 (Drawings for Clarification); February 18, 2011 (West Wing Drawings); February 25, 2011 (Email Response to Comments-Addendum 1(Phase 1) and Dust Monitoring Results); and March 1, 2011 (Email response to question). These submittals shall be referred to as the "Notification".

- PCB-contaminated steel lintels and brick fascia:
 - Remove and dispose of PCB caulk;
 - Install adhered rubber membrane over steel lintel and first course of brick;
 - Install continuous composite metal panels across lintel, over brick fascia, and over roof curb; and
 - Install new caulk.
- PCB-contaminated precast concrete columns, punch windows, door frames, and mechanical louver penetrations:
 - Remove and dispose of PCB caulk, windows, door frames, and louvers as greater than or equal to (\geq) 50 part per million (ppm) waste; and
 - Install new brick and/or caulk along existing substrate.

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62(a) and § 761.79(h) for abatement of PCB caulk and § 761.61(c) for encapsulation of the *porous* and *non-porous surfaces*. EPA finds that the proposed encapsulation of PCB contaminated *porous* and *non-porous surfaces* should effectively prevent direct exposure of these PCB contaminated *porous* and *non-porous surfaces* to building users provided the physical barriers are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

GSA may proceed with its project in accordance with 40 CFR § 761.61(c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its right to require additional investigation or mitigation measures should the results of the initial sampling or the long-term monitoring and maintenance results indicate an unreasonable risk to the building users.

Please note that GSA will be required to record a notation on the deed as required under § 761.61(a)(8) since PCBs at greater than ($>$) 1 ppm will remain on the Site.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens", with a stylized flourish at the end.

James T. Owens, Director
Office of Site Remediation & Restoration

cc Marilyn Wade, URS
MassDEP, NERO
File

Attachment 1

ATTACHMENT 1: PCB APPROVAL CONDITIONS
INTERNAL REVENUE SERVICE CENTER (the Site)
310 LOWELL STREET
ANDOVER, MASSACHUSETTS

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. U.S. General Services Administration (GSA) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. GSA must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, GSA shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. GSA is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time GSA has or receives information indicating that GSA or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by GSA are authorized to conduct the activities set forth in the Notification. GSA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release GSA from compliance with any applicable requirements of federal, state or local law; or 3) release GSA from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from GSA of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. GSA shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.
11. GSA shall provide EPA with notification of the scheduled date of commencement of Phase 2 construction. Prior to the commencement of Phase 2 abatement work, GSA shall provide, for EPA review and approval, a post-encapsulation sampling plan for Phase 2 encapsulated surfaces.

DECONTAMINATION AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. Following encapsulation of PCB-contaminated *porous surfaces* post-encapsulation sampling shall be conducted to determine the effectiveness of the encapsulation.
 - a. Wipe sampling of encapsulated surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$). Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - b. In the event that any wipe sample PCB concentration is greater than ($>$) $1\text{ }\mu\text{g}/100\text{ cm}^2$, GSA shall contact EPA for further discussion and direction on alternatives.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

15. Within sixty (60) days of completing the activities described in the Notification and authorized in the Approval, GSA shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site, which may be addressed in the monitoring and maintenance implementation plan (MMIP, see Condition 19). Within seven (7) days of receipt of EPA's approval of the draft deed restriction, GSA shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

16. GSA shall notify the EPA of the sale, lease or transfer of any portion of the Site, in writing, no later than thirty (30) days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). In the event that GSA sells leases or transfers any portion of the Site, GSA shall continue to be bound by all the terms and conditions of this Approval, unless EPA allocates some or all of this Approval's responsibilities to the new owner through the issuance of a new approval. The procedures for the issuance of a new approval ("re-issued approval") are as follows:
- a. The new owner(s), lessee or transfer entity must request, in writing, that the EPA issue a new approval to the new owner(s), lessee or transfer entity which transfers some or all responsibilities to comply with the terms and conditions of this Approval to that entity or entities;
 - b. The EPA reviews the request, and determines whether to issue a new approval; and,
 - c. The new owner(s), lessee or transfer entity provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the re-issued approval. The re-issued approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or transfer entity of its acceptance of, and intention to comply with, the terms and conditions of the re-issued approval within thirty (30) days of the date of the re-issued approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on GSA.
17. In the event that the sale, lease or transfer of the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the re-issued approval if it finds, due to the change in use, that this risk-based cleanup and disposal action will not be protective of health or the environment. The new owner shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
18. In any sale, lease or transfer of the Site, GSA shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval for maintenance and monitoring of the barriers, except as provided above.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

19. Within 45 days of completion of the work authorized under this Approval, GSA shall submit for EPA's review and approval, a detailed MMIP for the surface barriers. GSA shall incorporate any changes to the MMIP required by EPA.
- a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.

- b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including other on-site workers and other interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
 - d. GSA shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
 - f. A copy of the MMIP shall be attached to the deed restriction, see Condition 15.
20. GSA shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by GSA to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
21. Any modification(s) in the plan, specifications, or information submitted by GSA, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. GSA shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
22. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from GSA to make a determination regarding potential risk.
23. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

24. GSA shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by GSA in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
25. As required under Condition 19 of this Approval, GSA shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.
26. GSA shall submit a final report to the EPA within 120 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction and a certification signed by a GSA official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
27. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
28. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1

